



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 425, 426, 427, 428, and 429 (as introduced 6-6-17)

Sponsor: Senator Judy K. Emmons (S.B. 425)
Senator Mike Nofs (S.B. 426)
Senator Jim Stamas (S.B. 427)
Senator Goeff Hansen (S.B. 428)
Senator Dave Hildenbrand (S.B. 429)

Committee: Elections and Government Reform

Date Completed: 3-7-18

CONTENT

Senate Bill 425 would amend the Michigan Election Law to require the Secretary of State to develop and maintain an electronic voter registration interface to allow an applicant to submit a voter registration application electronically through the Secretary of State's website. The bill would also do the following:

- Require the Secretary of State to develop an electronic voter registration application.
- Provide that an individual would be eligible to submit an electronic application only if he or she possessed the qualifications of an elector under the Election Law and possessed a valid driver license or official State identification card.
- Prohibit an individual from using the electronic voter registration interface if individual had an expired driver license or State ID card, ordered a duplicate on the same day he or she submitted an electronic voter application, or submitted a change of address within the previous 10 days.

Senate Bills 426, 427, 428, and 429 would amend the Michigan Election Law to reflect changes proposed by Senate Bill 425.

The bills are tie-barred. Each bill would take effect 90 days after enactment.

Senate Bill 425

The bill would require the Secretary of the State to develop and maintain an electronic voter registration interface to allow an applicant to submit a voter registration application electronically through the Secretary of State's website. The electronic voter registration interface would be required to do all of the following:

- Transmit the application to the qualified voter file.
- Interact with the State operator's or chauffeur's license file and the official State personal identification card file for authentication purposes.
- Require the applicant's assent to submit a voter registration application electronically and to use his or her most recent digitized signature if captured or reproduced by the Secretary of State.
- Issue a receipt to the applicant in the manner prescribed by the Secretary of State.

The electronic voter registration interface also would be required to authenticate the identity of an applicant under a process developed by the Secretary of State that would include, but would not be limited to, verifying all the following:

- The last four digits of the applicant's Social Security number.
- The applicant's operator's or chauffeur's license number or official State personal identification card number.
- The applicant's full name as printed on his or her operator's or chauffeur's license or official State personal identification card.
- The applicant's date of birth.
- The applicant's eye color as printed on his or her operator's or chauffeur's license or State personal identification card.

Under the Law, the Secretary of State is required to develop a mail registration form and make the form available for distribution through governmental and private entities, with special emphasis on making the form available to voter registration programs established for the purpose of registering Michigan residents to vote.

The bill also would require the Secretary of State to also develop an electronic voter registration application that included all of the same information as provided on the mail registration form, as well as the notice required under Section 307(1)(C) of the Michigan Vehicle Code.

(That section requires a driver license application to contain a notice that the Secretary of State must use the residence address provided in the application as the applicant's residence address on the qualified voter file for voter registration and voting.)

Only an individual who possessed both of the following would be eligible to submit an electronic voter registration application:

- The qualifications of an elector as provided in the Law.
- A valid official State personal identification card, or a valid operator's or chauffeur's license.

If an elector used the electronic voter registration interface to indicate a change of address, the State Bureau of Elections would have to send a confirmation notice to the elector's previous address.

An individual would be prohibited from using the electronic voter registration interface if he or she met any of the following conditions:

- The individual ordered a duplicate of an operator's or chauffeur's license or an official State personal identification card the same day as submitting an electronic voter registration application.
- The individual submitted a change of address for an operator's or chauffeur's license or an official State personal identification card within the 10 days before submitting an electronic voter registration application.
- The individual had an expired operator's or chauffeur's license or an expired official State personal identification card.

Senate Bill 426

Section 509m of the Election Law specifies the purposes of sections of the Law pertaining to the qualified voter file and voter registration, and defines "qualified voter file" and "designated

voter registration agency" as used in those sections. Under the bill, these provisions also would apply to the section of the Law proposed by Senate Bill 425.

Senate Bill 427

Under the Election Law, a person who is not registered to vote at the address where he or she resides may apply to register to vote by submitting an application at any of the locations listed in the Law, or by submitting a completed mail registration application, as provided in the Law.

Under the bill, a person who was not registered to vote at the address where he or she resided also could apply to register to vote by submitting an electronic voter registration application as provided in Senate Bill 425.

Senate Bill 428

Under the Election Law, a person who registers to vote in a jurisdiction in the State by mail must vote in person and provide identification as required by the Help America Vote Act (HAVA). The bill would extend these requirements to a person who registered to vote by submitting an electronic voter registration application.

The requirements to vote in person and provide identification required by HAVA do not apply to registered voters who meet certain criteria, such as being entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act. Under the bill, the requirements also would not apply to a person who had registered to vote in a jurisdiction in the State in person.

Senate Bill 429

Under the Election Law, an application for registration is considered received on or before the close of registration if one of the criteria listed in the Law is met. Under the bill, a registration application also would be considered received by the close of registration if the application were submitted electronically through the electronic voter registration interface on or before the close of registration.

Proposed MCL 168.509ii (S.B. 425)
MCL 168.509m (S.B. 426)
168.509v (S.B. 427)
168.509t (S.B. 428)
168.509x (S.B. 429)

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

Senate Bill 425

The bill could have a minimal fiscal impact on the Department of State due to programming costs associated with the proposed changes. However, the Department has indicated that its annual appropriations should be able to absorb any additional costs. The Department's FY 2017-18 budget includes \$14.1 million for the Department to complete its information technology modernization project. Any costs associated with the bill would be funded from this appropriation.

The bill would have no fiscal impact on local government.

Senate Bills 426 through 429

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.